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TWININGS NORTH AMERICA, INC.

FILED

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

14 NANCY LANOVAZ, on behalf of herself and all
others similarly situated,

15 Plaintiff,

16 v.

17 TWININGS NORTH AMERICA, INC.,

18 Defendant.

Case No. CV12-02646-RMW

CLASS ACTION

**STIPULATION AND
[] ORDER
CONTINUING MEDIATION
DEADLINE**

[CIVIL L.R. 6-1]

Judge: Hon. Ronald M. Whyte
Action Filed: May 23, 2012

1 Pursuant to Civil Local Rule 6-1, Plaintiff Nancy Lanovaz (“Plaintiff”), on behalf of
2 herself and all others similarly situated, and Defendant Twinings North America, Inc.
3 (“Twinings”) through their undersigned counsel, hereby stipulate as follows:

4 WHEREAS, this action was filed in this Court on May 23, 2012, and Twinings answered
5 the Third Amended Complaint on July 8, 2013;

6 WHEREAS, Twinings moved for summary judgment as to the named plaintiff on
7 September 6, 2013, and, on January 6, 2014, the Court issued an order granting in part and denying
8 in part Twinings’ motion;

9 WHEREAS, Plaintiff filed her Motion for Class Certification on November 14, 2013,
10 Twinings’ Opposition to Class Certification is due on February 14, 2014, Plaintiff’s Reply in
11 Support of Class Certification is due on March 14, 2014, and the hearing on the Motion for Class
12 Certification will occur on April 11, 2014;

13 WHEREAS, the mediation is currently scheduled for February 7, 2014;

14 WHEREAS, counsel for Defendant and counsel for Plaintiff participated in a mediation
15 on December 18, 2013, for one of Plaintiff’s counsel’s similar food labeling cases, *Brazil v. Dole*
16 *Food Company, Inc.*, No. 12-cv-01831-LHK (N.D. Cal.). The mediator in *Brazil*, Sue Stott, has
17 also been assigned to this case. The mediation was not productive, due in large part to the many
18 unresolved legal issues in the case. The parties, as well as Ms. Stott, agreed that postponement of
19 future mediations in these cases would be beneficial. Indeed, Ms. Stott sent an email to Howard
20 Herman, the Court’s ADR Chief, explaining her concerns with mediating the cases at this stage.
21 The ADR department leaders expressed a desire to help the parties by moving deadlines where
22 postponement would be useful;

23 WHEREAS, without rulings on the key issues in this case, the parties believe that they
24 cannot effectively engage in mediation. While the Court has ruled on Twinings’ motion for
25 summary judgment as to the named plaintiff, the many unresolved legal issues relating to class
26 certification and summary judgment as to class issues are a barrier to having a successful
27 mediation. The parties believe that mediation at this time would be as futile as the *Brazil*
28 mediation. They jointly request that the mediation deadline be extended so that the parties can

1 benefit from the resolution of Plaintiffs' Motion for Class Certification and the parties' future
2 motions for summary judgment;

3 IT IS HEREBY STIPULATED AND AGREED by the parties, through their counsel,
4 subject to the approval of the Court, that the mediation deadline is postponed until after the Court
5 rules on class certification and 90 days after the Court rules on dispositive motions.
6

7 Dated: January 8, 2014

WILLIAM L. STERN
CLAUDIA M. VETESI
KATIE B. RONEY
MORRISON & FOERSTER LLP

10 By: /s/ William L. Stern

11 WILLIAM L. STERN

12 Attorneys for Defendant TWININGS
13 NORTH AMERICA, INC.

14 Dated: January 8, 2014

Ben F. Pierce Gore
PRATT & ASSOCIATES
1871 The Alameda, Suite 425
San Jose, CA 95126

17 By: /s/ Ben F. Pierce Gore

18 BEN F. PIERCE GORE

19 Attorney for Plaintiff
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ECF ATTESTATION

I, William L. Stern, am the ECF User whose ID and password are being used to file the following: **STIPULATION CONTINUING MEDIATION DEADLINE**. In compliance with Civil Local Rule 5-1(i), I hereby attest that Ben F. Pierce Gore has concurred in this filing.

Dated: January 8, 2014

WILLIAM L. STERN
CLAUDIA M. VETESI
KATIE B. RONEY
MORRISON & FOERSTER LLP

By: /s/ William L. Stern
WILLIAM L. STERN

[] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: ~~FBI~~


RONALD M. WHYTE
United States District Judge